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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 52nd MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 3 March 1993, at 7 p.m.

Chairman: Mr. BROTODININGRAT (Indonesia)

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* The summary record of the first part of the meeting appears as document E/CN.4/1993/SR.52.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1993/7, 36-40, 41 and Add.1, 42-49, 75, 76, 79, 82, 86, 95, 99 and 102; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31 and 38)

1. Mr. ALVAREZ (Socialist International) said that information provided by human rights organizations such as Americas Watch and Amnesty International, as well as in the report of the Special Rapporteur, Carl Johan Groth, showed that the Government of Cuba was constantly violating the civil and political rights of citizens, in particular those who publicly criticized its policies: arbitrary arrests, physical and mental torture, unfair trials and heavy prison sentences were common practice.

2. The crisis currently being experienced by Cuba, the most difficult ever known by the country, had to be resolved. A violent conclusion would have incalculable effects on people and property and could jeopardize the nation's historical gains. If, however, the crisis were to be resolved non-violently, the people would be able to enjoy full sovereignty and determine how all Cubans, whether inside or outside, could fully exercise their fundamental rights while respecting the rights of others, so as to ensure that the opinion of the majority prevailed without there being any need to silence the minority.

3. By its political inertia and anti-democratic practices, the Government of Cuba was reducing the chances of a peaceful and democratic solution. For such a solution to be possible, the language of hatred and intolerance had to be replaced by the language of peace and understanding. The Socialist International therefore urged the Government of Cuba to abandon its anti-democratic practices immediately and also called on the Government of the United States to end the economic pressure it was exerting on the current Government of Cuba. The only way out of the vicious circle of revanchism and violence was to let the Cuban people be the sovereign master of its own destiny.

4. In conclusion, he read out an appeal which had been made on 10 December 1992 from Havana by Mr. Elizardo Sánchez, Chairman of the Cuban Commission on Human Rights and National Reconciliation, scarcely two hours before he had been beaten unconscious by the police. In that appeal, Mr. Sánchez called on the United States, in accordance with General Assembly resolution 47/19, to lift its economic blockade of Cuba, and on the Government of Cuba to respect freedom of expression and association in accordance with General Assembly resolution 47/139.

5. Ms. MOLINA (World Organization against Torture) said that the Commission had for some time been following with particular attention developments in a number of countries where massive and systematic violations of human rights were being perpetrated.

6. In El Salvador, the human rights situation continued to be alarming:

in 1992, the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL) had recorded 190 reports of summary executions, and members of trade-union, student and peasant organizations, members of FMLN and other opposition political groups had been victims of persecution.

7. The Commission should continue to monitor the situation in that country. Moreover, in view of the fact that the problems of El Salvador were not merely political but also economic, medical and educational, it should recommend the establishment of an interdisciplinary group of experts from the various specialized intergovernmental agencies, which could be incorporated into ONUSAL and provide advisory services and technical assistance.

8. Zaire was the theatre of massive and systematic violations of human rights as a result of the political crisis through which the country was passing and of incitement to hatred and to ethnic and tribal exclusion. In the preceding year, thousands of members of the Kasaï ethnic group had been driven out of Shaba province. When the military engaged in looting or repressed demonstrations, it perpetrated summary executions, as had occurred during the Kinshasa massacre of 16 February.

9. In Rwanda, the situation was also serious. The security forces, civilians and the Patriotic Front were committing serious human rights violations: round-ups, torture and summary executions which, in some cases, bordered on genocide.

10. Developments in Ethiopia were alarming. In 1992, numerous cases of arrest, involuntary disappearance, torture and extrajudicial execution had been reported. At Areka, 30 people had been killed during a demonstration.

11. The Commission should send missions of enquiry to those countries in order to help remedy those situations.

12. In Guatemala, the civilian population continued to be subjected to illegal arrests, enforced disappearances, summary executions, bombings and torture by the forces of order, paramilitary forces and civilian patrols.

13. The Commission should call upon the Guatemalan Government to ensure the protection of human rights and should designate a special rapporteur to report to the Commission at its next session.

14. In Peru, armed violence, terrorism and repression had resulted in thousands of deaths in 1992. The Shining Path was alleged to have murdered 946 people, and the security forces had allegedly caused the disappearance of at least 286 persons, and were also alleged to use torture as a current practice.

15. In Colombia, many political leaders, peasants and trade unionists had been murdered in 1992. Some 450 persons regarded as undesirable had been eliminated by supporters of "social cleansing". The forces of order and paramilitary groups had caused the disappearance of a large number of people and were said regularly to practice torture.

16. Neither in Peru nor in Colombia had legislative and institutional changes led to any improvement in the situation. Those responsible for violations of human rights generally enjoyed total impunity. The Commission should designate special rapporteurs and experts to help those countries in the human rights field and to inform the Commission of the evolution of the situation.

17. Her organization strongly condemned all terrorist acts, whether committed for ideological, nationalistic or religious reasons. It also condemned all violence against civilians or members of the opposition, of which the armed forces or security forces of some countries were guilty, on the pretext of combating rebels, terrorists or delinquents.

18. She appealed for an end to the persecution of defenders of human rights, particularly in Colombia, Cuba, El Salvador, Philippines, Guatemala, Equatorial Guinea, Haiti, Honduras, Malawi, Mexico, Peru, Turkey, Zaire and Syria, and called on the Government of the last-mentioned country to free the 10 members of the Committees for the Defence of Democratic Freedoms imprisoned for their activities.

19. Mr. ONDO AYANG (International Movement for Fraternal Union among Races and Peoples) said that, as the General Coordinator of the National Alliance for the Restoration of Democracy, he appealed to the Commission to contribute to the re-establishment of the rule of law in Equatorial Guinea, where General Teodoro Obiang Nguema, far from radically transforming the political system of the country as the Commission's expert, Mr. Fernando Volio Jimenez had recommended in his report (E/CN.4/1992/51) the previous year, was persisting in systematically violating human rights.

20. The political parties listed on page 17 of Mr. Volio Jimenez's report (E/CN.4/1993/48) had indeed been authorized, but purely as a matter of legal formalism, since they were unable to make their voices heard and the physical integrity of their leaders was under constant threat. Thus, on 15 January 1993, the following persons had been arrested and tortured: Benjamin Ballinga Baling (Secretary General of the Social Democratic Party), Antonio Ebang Mbele (President of the Democratic Progressivist Alliance), Estanislao Don Malavo (Member of the Liberal Democratic Convention) and Pablo Ndong Ensema (Member of the Progress Party).

21. The opposition-Government round table being held at Malabo was a mere sham. Only the return of exiled leaders to the country and the implementation of Mr. Volio Jimenez's Emergency Plan of Action (E/CN.4/1992/51, para.125) would make it possible for the country to enter upon the path of development and democracy.

22. Mrs. BROCKWAY (POTAMKIN International League for Human Rights) said that racial discrimination was one of the domestic policy pillars of the Military Government of Myanmar, 40 per cent of whose population was made up of ethnic minorities. For example, identity papers, indispensable for all important activities and transactions, were issued on racist criteria.

23. In the framework of its campaign against the rebels, the State Law and Order Restoration Council (SLORC) had expelled thousands of members of minorities from their homes and resettled them in areas under its control, where food and medical supplies were entirely inadequate.

24. SLORC had also launched a terror campaign against the Rohingya, who were Muslims, including the large-scale rape of Muslim women, and 300,000 Muslims had fled to Bangladesh to escape death and to preserve their dignity. The bare facts showed that the actions of the Myanmar authorities bordered on genocide.

25. SLORC continued to refuse to transfer power to the representatives of the people democratically elected in May 1990, who, for the most part, belonged to the National League for Democracy (NLD), and it was imprisoning, sequestering and torturing members of the NLD and opposition groups in general. The so-called "National Convention", convened by SLORC in early 1993, was completely without legitimacy.

26. The economic, social and cultural rights of the people of Myanmar were also being massively violated. The policy pursued by SLORC had led to a grave deterioration of the social and economic situation of the country and of the educational system. Ethnic minorities were, moreover, forbidden to publish anything written in their languages.

27. The Commission should call upon the Government of Guatemala: to abolish immediately the civilian patrol system, to establish a police force, independent of the army, responsible for upholding the law and investigating human rights violations; to support and protect human rights organizations and advocates, and to bring those responsible for human rights violations before an independent court. In particular, her organization urged the Commission to appoint a special rapporteur for Guatemala.

28. In the case of Somalia, the Commission should recognize that the actions of the armed militias constituted a mass violation of Common Article 3 of the 1949 Geneva Conventions. It should invite the International Committee of the Red Cross to communicate to it any relevant information, and it should appoint a special rapporteur to investigate the serious human rights violations occurring in that country, the perpetrators of which should be punished.

29. The de facto Government of Haiti was responsible for the systematic violations of human rights being committed in that country, as the Special Rapporteur on the situation in Haiti had clearly indicated. It was regrettable, however, that the Special Rapporteur had not sufficiently emphasized the violations of article 33.1 of the Convention Relating to the Status of Refugees, which provided that no Contracting State should expel or return a refugee to the frontiers of territories where his freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Many persons of Haitian nationality were fleeing their country not only because of the grave deterioration in economic and social conditions but also because of the repression they were suffering.

30. She welcomed, however, the arrival in Haiti on 14 February 1993 of teams of representatives of the Organization of American States and observers for the United Nations.

31. Mr. ROSSI (International Association for the Defence of Religious Liberty) said that his organization unreservedly supported the resolution entitled "International cooperation for action to combat all forms of intolerance and religious extremism" adopted by the African Regional Meeting of the World Conference on Human Rights, in which States were asked to prevent religion from being used for purposes incompatible with human rights. In general, religions preached respect for life from conception to natural death, but some theocratic States did not respect even the right to life, as their penal codes provided for the death penalty for any citizen who changed religion. That, as Mr. Angelo Vidal d'Almeido Ribeiro, Special Rapporteur on religious intolerance, had pointed out, was in violation of the fundamental international instruments, including the Universal Declaration on Human Rights and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. In order to prevent the spread of religious extremism, which posed a grave threat to the security of nations and to international stability, the Commission should ask the countries that forbade their citizens to change religion under pain of death, viz. Saudi Arabia, Mauritania, Sudan and Iran, to repeal that provision and to bring their legislation into conformity with the International Bill of Human Rights.

32. Mr. CUNNIAH (International Confederation of Free Trade Unions - ICFTU) said that the Government of the Sudan was one of many anti-democratic Governments that was seriously violating trade-union rights. Since coming to power in June 1989, the military had set about destroying the Sudanese trade-union movement by banning unions, confiscating their assets, and arresting their activists, many of whom had been tortured, sometimes to death.

33. The unions set up under new union legislation were in fact under strict government control and were trade unions in name only. In its report published in 1992, the ILO Committee on Freedom of Association had expressed its deep concern at the persistence of serious violations of freedom of association in Sudan.

34. In Malawi, trade unionists who had played a leading role in promoting democratization had been harshly repressed. For example, Mr. Chihana, General Secretary of the Southern African Trade Union Coordinating Committee (SATUCC) had been arrested, held in solitary confinement without indictment or trial, released, rearrested and condemned to two years' imprisonment for sedition.

35. ICFTU was gravely concerned about numerous violations of trade-union rights in the Asia-Pacific region, particularly in China, where the Trade Union Act of 3 April 1992 made provision for only one trade union, obliged to defend the socialist State, mobilize workers, educate them to respect work discipline, and strengthen their ideological convictions. That so-called trade union was under the orders of the Chinese Communist Party, and any attempt to establish genuine trade unions was severely repressed.

36. In North, Central and South America, there was only one country in which trade-union rights were not severely restricted. In addition to violent repression, legislation infringing trade-union rights was passed by States, generally in the name of structural adjustment and economic efficiency.

37. In Haiti, since the military coup d'etat of September 1991, trade-union activists had been obliged to flee the country or go into hiding in order to escape imprisonment or torture. They were calling for more effective enforcement of the embargo against the country and supported the proposal to send a joint United Nations OAS observer mission there. ICFTU had asked to participate in such a mission.

38. In Cuba, no progress had been made in respect of trade union rights. The Government refused to register independent organizations and claimed that 96.7 per cent of Cuban workers had freely chosen to belong to the official trade union, the Confederation of Cuban Workers (CTC). Persons campaigning for trade-union freedom were severely repressed. ICFTU specifically requested the Cuban Government to free the President of the USTC, Rafael Gutiérrez, who had been arrested on 6 February 1993 and held incommunicado.

39. Mr. VON DER WEID (Survival International) said that the Sudanese Government was persecuting the Nuba community: the Sudanese army was destroying villages, seizing property and land and compelling tens of thousands of civilians to settle elsewhere. The National Islamic Front was trying to Islamize and Arabize all Sudanese. It was arming and training members of the Baggara tribes, who were Arabic-speaking pastoralists and setting them against the Nubas, who were sedentary farmers.

40. The displaced Nubas were sent to the north of Kordofan province, far from their region of origin, to which it would be very difficult for them to return. Those displaced people were screened: the able-bodied men were sent to farms, where they worked as labourers, and the women and children were placed in north Sudanese families, where they worked as unpaid servants. By breaking up families in that way, the Government hoped to eliminate the Nubas as a distinct people.

41. In 1992, educated Nubas had continued to disappear. In December 1992, the Sudanese Human Rights Organization had published the names of 156 Nubas who were alleged to have been extrajudicially executed. Moreover, 28 men, mostly Nubas, had been transferred from various prisons to Suakin Prison, where they had been held without trial. The Sudanese Government should do more than deny all the accusations brought against it; it should allow outside observers free access to the Nuba hills region.

42. He strongly appealed to the Commission to send, as a matter of urgency, an international commission of enquiry to Jebel Heiban to investigate the massacre reported to have been committed there, to bring pressure to bear upon the Sudanese Government to facilitate the work of the investigators, to investigate further reports of mass deportations of Nubas, and to press the Sudanese Government to cease persecuting Nubas and to ensure that those in prison were tried or released.

43. Ms. PARKER (International Educational Development) said that the United States of America had extradited Mr. César Vielman Joya Martínez to El Salvador in violation of international law and against the wish of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'Diaye. Mr. Joya Martínez, a former member of the El Salvador armed forces who had personal knowledge of torture, disappearances and summary executions, wished to communicate it to the Working Group and the Special Rapporteur. It appeared that his security was not assured in El Salvador, as was attested by the attempt made on the lives of two of his attorneys in January 1993. The Commission should ask the United States of America to resume custody of Mr. Joya and allow him to present his evidence.

44. It emerged from Mr. Yozo Yokota's report on Burma (E/CN.4/1993/37) that SLORC (the State Law and Order Restoration Council), which had lost all legitimacy by its refusal to accept the verdict of free elections, was continuing to make war on the ethnic minorities of the country.

45. The international community must stop selling arms to SLORC and demand that it immediately free all political prisoners, including Awung San Suu Kyi, and stop persecuting ethnic minorities. The Commission should extend the Special Rapporteur's mandate and discuss the situation in Burma at its fiftieth session under a separate agenda item.

46. The human rights situation in Kashmir continued to be alarming and it would not improve until the plebiscite promised to the people of Kashmir by the United Nations in 1948 and 1949 had been held. The Commission should adopt a resolution urging immediate arrangements to be made for such a plebiscite.

47. With regard to Turkey, she was surprised that the United States of America, while expressing concern about the fate of the Kurds of Iraq, continued to supply arms to the Turkish Government, which used them in its war against the Kurds of Turkey.

48. With regard to Sri Lanka, she recalled that her organization was one of the 25 NGOs that had signed a statement entitled "Urgent Appeal on the Situation in Sri Lanka". The Sri Lankan Government had replied that, if the Commission acceded to those NGOs' two requests, it would be putting the future of the Tamil populations living outside the Northern and Eastern Provinces in jeopardy. Her organization urged the Commission to condemn strongly and publicly that barely veiled threat and adopt a resolution such as that suggested in the NGOs' statement.

49. Lastly, she asked the Commission to designate a special rapporteur for armed conflicts.

50. Mr. RAUF (Liberation) said that Acheh province, situated in the north of Sumatra, from which he came, had been occupied by Indonesian forces since 1949. On 17 November 1990, General Pramono, who commanded the occupation forces, had publicly ordered his men to shoot down any person suspected of opposing the occupation.

51. The Achehnese were subjected to savage repression: intimidation, torture, extra-judicial executions (his uncle had been shot dead by troops at his home in the middle of the night in Ie Leubue village, in the district of Geurugok), systematic rape (his aunt, who came from the village of Tingkeuem Baro, in the district of Kuta Blang, had been raped by soldiers seeking to make her confess that her husband was a guerrilla), and the settlement of Javanese families on some of the most fertile land in the province.

52. That Javanization policy and the reign of terror imposed on the Achehnese was akin to the ethnic cleansing practised in Bosnia and Herzegovina. Unfortunately no one talked about it. Even the Special Rapporteur on torture had not been authorized to go to Acheh during his visit to Indonesia in November 1991.

53. It was astonishing that the Centre for Human Rights should have agreed to organize at Jakarta a seminar on human rights for the Asian and Pacific region in collaboration with the Indonesian Government, which was systematically violating the rights of the people of the occupied territories of Acheh, West Papua and East Timor.

54. He asked the Commission on Human Rights to send a mission of enquiry to Acheh and to request the High Commissioner for Refugees to approach the Malaysian authorities to release the Achehnese refugees that they were holding in custody and grant them political refugee status, and to cease turning back Achehnese who sought refuge in Malaysia.

55. Miss FERRIOL ECHEVARRIA (Cuba) expressed surprise that one of the representatives of the International Association of Educators for World Peace shall have had the audacity to associate the memory of the Cuban national hero José Martí with trite "made in USA" rubbish.

56. As for the second speaker for the said organization, she and her husband had left Cuba like rats at a time when the population was struggling against terrible difficulties caused by the blockade imposed by the United States of America. Those two persons were deserters, since they had belonged to the Cuban Armed Forces. They had, moreover, committed an act of air piracy by fleeing in a fighter aircraft of the Cuban Army Air Force. While the Cuban Fighter Command had refrained from shooting that aircraft down, in order to spare the lives of the children in it, the deserters for their part had not hesitated to endanger the lives of many people by landing on a very busy road and by flying through an air corridor used by many tourist aircraft.

57. She wondered what entitled the representative of the aforesaid organization to speak on behalf of the Cuban families, peasants and workers who had recently given massive support to Fidel Castro. The woman in question seemed, incidentally, to be unaware that the General Assembly had just adopted a resolution asking the United States of America to raise the blockade against Cuba.

58. Rome paid traitors but despised them.

59. Ms. SHABHARWAL (India), speaking in exercise of the right of reply, said she wished to rebut the baseless allegations made by a non-governmental organization which were obviously connected with the disinformation campaign conducted by forces seeking to undermine the territorial integrity of India.

60. The State of Jammu and Kashmir was an integral part of India. Its governments were freely elected and human rights and fundamental freedoms were respected there. If the full exercise of human rights was sometimes hindered, it was because of the criminal instigation of terrorist and secessionist groups which did not hesitate to resort to methods such as kidnapping, rape, torture and murder in order to terrorize the population and prevent it from freely electing its representatives.

61. The facts spoke for themselves: the State of Jammu and Kashmir was open to anyone who wished to visit it. More than 8,700 foreigners, including 80 journalists, had visited the state since January 1992, which went to prove the lying character of the allegations of the NGO in question.

62. Her delegation believed that the Commission should strongly reaffirm its condemnation of terrorists and extremists, particularly when they were abetted from abroad.

63. Mr. PAK Dok Hun (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his country had embarked upon the road to prosperity and development and had never received a single cent from the United States of America. It was strongly attached to its independence and relied on its own resources to confront the blockade imposed on it by the United States of America.

64. The attacks made by the United States representative on the Democratic People's Republic of Korea proved that the United States was endeavouring to maintain the division of the Korean Peninsula rather than work for reconciliation between North and South on the basis of national independence.

65. In his country, there were no unemployed, no beggars, no drug addicts and no gangsters. He wondered how many there were in the United States. In his country, all children attended school, there were no homeless people and no one died for lack of medical care. He questioned whether that was the situation in the United States.

66. His country was socially and politically stable. Events such as those which had occurred in Los Angeles made it impossible for the United States of America to say as much.

67. Lastly, he invited the United States representative to attend to his own business and suggested that he should read a book entitled Do not sadden us any longer, published in South Korea in 1990, which described the way in which the United States was trampling on the soul of the Korean nation.

The meeting rose at midnight.